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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

MAR - 3 2016

JAMES N. HATTEN, Clerk
By:  Deputy Clerk

KEN JOSEPH
Plaintiff

v.

BARCLAYS BANK DELAWARE
Defendant

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CASE# 1:16-cv-00029-AT-RGV

PLAINTIFF'S MOTION FOR LEAVE TO FILE SUR-REPLY

TO THE HONORABLE JUDGE OF THIS COURT:

Plaintiff Ken Joseph, respectfully submits this motion for leave to file a sur-reply to Defendant's reply pursuant to Fed. R. Civ P. 7(b). A memorandum in support of this motion is attached hereto.

Nothing in the Federal Rules of Civil Procedure or this Court's Local Rules prohibits the filing of sur replies. See USMoney Source, Inc., v. Am. Int'l Specialty Lines Ins. Co., No. 1:07-cv-0682-WSD, 2008 WL 160709, at *2 n.5 (N.D. Ga. Jan.15, 2008) (granting parties' motion to file supplemental briefing and noting that although sureplies are not allowed as a matter of right, "the Court may in its discretion permit the filing of a surreply where a valid reason for such addition briefing exists.")

The Plaintiff respectfully requests that the Court exercise its discretion and grant leave to file a surreply to clarify the record and to respond to Plaintiff's argument in his reply.

WHEREFORE, for the foregoing reasons, Plaintiff respectfully request that this Court grant his Motion for Leave in the form attached hereto and consider Plaintiff's Sur-reply in evaluating Defendant's Motion to Dismiss.

This 29th day of February, 2016.

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Service to:

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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the document above was sent by first class mail USPS to counsel of record listed below for Defendant.

BARCLAYS BANK DELAWARE

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Dated: February 29th, 2016

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